

103D CONGRESS
1ST SESSION

S. 1187

To establish a Civilian Facilities Closure and Realignment Commission to reduce unnecessary spending in the Federal Government by closing or realigning duplicative, wasteful, or otherwise unnecessary civilian facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 1993

Mr. DORGAN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish a Civilian Facilities Closure and Realignment Commission to reduce unnecessary spending in the Federal Government by closing or realigning duplicative, wasteful, or otherwise unnecessary civilian facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civilian Facilities Clo-
5 sure and Realignment Act of 1993”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to reduce unnecessary
3 spending in the Federal Government by closing or realign-
4 ing duplicative, wasteful, or otherwise unnecessary civilian
5 facilities, including facilities that—

6 (1) have a cost to the Federal Government that
7 is out of proportion to the benefits provided through
8 the facility; or

9 (2) fail to further any legitimate goal or mis-
10 sion of the administering agency.

11 **SEC. 3. THE CIVILIAN FACILITIES CLOSURE AND REALIGN-**
12 **MENT COMMISSION.**

13 (a) ESTABLISHMENT.—There is established an inde-
14 pendent commission to be known as the “Civilian Facili-
15 ties Closure and Realignment Commission”.

16 (b) DUTIES.—The Commission shall carry out the
17 duties specified for it in this Act.

18 (c) APPOINTMENT.—(1)(A) The Commission shall be
19 composed of seven members appointed by the President,
20 by and with the advice and consent of the Senate.

21 (B) No later than January 1, 1994, the President
22 shall submit to the Senate the nominations for appoint-
23 ment to the Commission.

24 (2) In selecting individuals for nominations for ap-
25 pointments to the Commission, the President should con-
26 sult with—

1 (A) the Speaker of the House of Representa-
2 tives concerning the appointment of one member;

3 (B) the majority leader of the Senate concern-
4 ing the appointment of one member;

5 (C) the minority leader of the House of Rep-
6 resentatives concerning the appointment of one
7 member; and

8 (D) the minority leader of the Senate concern-
9 ing the appointment of one member.

10 (3) At the time the President nominates individuals
11 for appointment to the Commission, the President shall
12 designate one such individual who shall serve as Chairman
13 of the Commission.

14 (d) TERMS.—Each member of the Commission shall
15 serve until December 31, 1995, and may only be removed
16 by the President for cause.

17 (e) MEETINGS.—(1) Each meeting of the Commis-
18 sion, other than meetings in which classified information
19 is to be discussed, shall be open to the public.

20 (2) All the proceedings, information, and delibera-
21 tions of the Commission shall be open, upon request, to
22 any Member or committee of the Congress.

23 (f) VACANCIES.—A vacancy in the Commission shall
24 be filled in the same manner as the original appointment,
25 but the individual appointed to fill the vacancy shall serve

1 only for the unexpired portion of the term for which the
2 individual's predecessor was appointed.

3 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each
4 member, other than the Chairman, shall be paid at a rate
5 equal to the daily equivalent of the minimum annual rate
6 of basic pay payable for level IV of the Executive Schedule
7 under section 5315 of title 5, United States Code, for each
8 day (including travel time) during which the member is
9 engaged in the actual performance of duties vested in the
10 Commission.

11 (B) The Chairman shall be paid for each day referred
12 to in subparagraph (A) at a rate equal to the daily equivalent
13 of the minimum annual rate of basic pay payable for
14 level III of the Executive Schedule under section 5314 of
15 title 5, United States Code.

16 (2) Members shall receive travel expenses, including
17 per diem in lieu of subsistence, in accordance with sections
18 5702 and 5703 of title 5, United States Code.

19 (h) DIRECTOR OF STAFF.—(1) The Commission
20 shall, without regard to section 5311(b) of title 5, United
21 States Code, appoint a Director who has not served as
22 a Federal employee during the one-year period preceding
23 the date of such appointment.

1 (2) The Director shall be paid at the rate of basic
2 pay payable for level IV of the Executive Schedule under
3 section 5315 of title 5, United States Code.

4 (i) STAFF.—(1) Subject to paragraphs (2) and (3),
5 the Director, with the approval of the Commission, may
6 appoint and fix the pay of additional personnel.

7 (2) The Director may make such appointments with-
8 out regard to the provisions of title 5, United States Code,
9 governing appointments in the competitive service, and
10 any personnel so appointed may be paid without regard
11 to the provisions of chapter 51 and subchapter III of chap-
12 ter 53 of that title relating to classification and General
13 Schedule pay rates, except that an individual so appointed
14 may not receive pay in excess of the maximum annual rate
15 of basic pay payable for a position above GS-15 of the
16 General Schedule.

17 (3) Upon request of the Director, the head of any
18 Federal department or agency may detail any of the per-
19 sonnel of that department or agency to the Commission
20 to assist the Commission in carrying out its duties under
21 this Act.

22 (4) The Comptroller General of the United States
23 shall provide assistance, including the detailing of employ-
24 ees, to the Commission in accordance with an agreement
25 entered into with the Commission.

1 (j) CONSULTANTS AND PROPERTY.—(1) The Com-
2 mission may procure by contract, to the extent funds are
3 available, the temporary or intermittent services of experts
4 or consultants pursuant to section 3109 of title 5, United
5 States Code.

6 (2) The Commission may lease space and acquire per-
7 sonal property to the extent funds are available.

8 (k) FUNDING.—There are authorized to be appro-
9 priated to the Commission such funds as are necessary
10 to carry out its duties under this Act. Such funds shall
11 remain available until expended.

12 (l) TERMINATION.—The Commission shall terminate
13 on December 31, 1995.

14 **SEC. 4. RECOMMENDATIONS AND REPORT FOR CIVILIAN**
15 **FACILITY CLOSURES AND REALIGNMENTS.**

16 (a) AGENCY RECOMMENDATIONS.—(1) No later than
17 June 1, 1994, each head of an executive agency as defined
18 under section 105 of title 5, United States Code (except
19 for the Secretary of Defense with regard to the Depart-
20 ment of Defense) shall submit to the Commission rec-
21 ommendations for closing or realigning civilian facilities
22 administered by such agency. The recommendations shall
23 include a statement providing rationale for the rec-
24 ommended closure or realignment.

1 (2) The Office of Management and Budget shall sub-
2 mit to the Commission with each recommendation submit-
3 ted under paragraph (1), an estimate of the administrative
4 costs and savings that would result from the implementa-
5 tion of such recommendation for the 5 fiscal years follow-
6 ing such implementation.

7 (b) REVIEW AND RECOMMENDATIONS BY THE COM-
8 MISSION.—(1) After receiving the recommendations from
9 the heads of executive agencies under subsection (a), the
10 Commission shall conduct public hearings on the rec-
11 ommendations. Such hearings shall be conducted in Wash-
12 ington, D.C. and in affected regions throughout the Unit-
13 ed States.

14 (2)(A) No later than June 1, 1995, the Commission
15 shall submit to the President a report containing—

16 (i) the Commission’s findings and conclusions
17 based on a review and analysis of the recommenda-
18 tions made by the heads of executive agencies and
19 from public hearings;

20 (ii) the Commission’s recommendations for clo-
21 sures and realignments of Federal facilities; and

22 (iii) proposed legislation (containing specific
23 language proposed to be enacted) to implement the
24 Commission’s recommendations.

1 (B) Subject to subparagraph (C), in making its rec-
2 ommendations, the Commission may make changes in any
3 of the recommendations made by the heads of executive
4 agencies.

5 (C) In the case of a change described in subpara-
6 graph (D) in the recommendations made by the heads of
7 executive agencies, the Commission may make the change
8 only if the Commission—

9 (i) publishes a notice of the proposed change in
10 the Federal Register not less than 30 days before
11 submitting its recommendations to the President
12 under subparagraph (A); and

13 (ii) conduct a public hearing on the proposed
14 change.

15 (D) Subparagraph (C) shall apply to a change by the
16 Commission in the heads of executive agencies' rec-
17 ommendations that would—

18 (i) add a facility to the list of facilities rec-
19 ommended by the applicable head of an executive
20 agency for closure;

21 (ii) add a facility to the list of facilities rec-
22 ommended by the applicable head of an executive
23 agency for realignment; or

1 (iii) increase the extent of a realignment of a
2 particular facility recommended by the applicable
3 head of an executive agency.

4 (3) The Commission shall explain and justify in its
5 report submitted to the President under paragraph (2)
6 any recommendation made by the Commission that is dif-
7 ferent from the recommendations made by the heads of
8 the executive agencies under subsection (a). The Commis-
9 sion shall submit a copy of such report to the Congress
10 on the same date on which it submits its recommendations
11 to the President under paragraph (2).

12 (4) After the Commission submits recommendations
13 to the President under this subsection, the Commission
14 shall promptly provide, upon request, to any Member or
15 committee of Congress information used by the Commis-
16 sion in making its recommendations.

17 (5) The Comptroller General of the United States
18 shall—

19 (A) assist the Commission, to the extent re-
20 requested, in the Commission's review and analysis of
21 the recommendations made by the heads of the exec-
22 utive agencies under subsection (c); and

23 (B) submit to the Congress and to the Commis-
24 sion a report containing a detailed analysis of the
25 heads of executive agencies' recommendations and

1 selection process, including an assessment of wheth-
2 er such recommendations comply with the purposes
3 of this Act.

4 (c) REVIEW BY THE PRESIDENT.—(1) No later than
5 September 1, 1995, the President shall approve or dis-
6 approve the report submitted under subsection (b)(2)(A).

7 (2) If the report is approved the President shall sub-
8 mit the report to the Congress for legislative action under
9 section 5.

10 (3) If the President disapproves the report, the Presi-
11 dent shall report specific issues and objections, including
12 the reasons for any changes recommended in the report,
13 to the Commission and the Congress.

14 (4) The Commission shall consider any issues or ob-
15 jections raised by the President and may modify the report
16 based on such issues and objections. No later than 30 days
17 after receipt of the President's disapproval under para-
18 graph (3), the Commission shall submit the final report
19 (as modified if modified) to the Congress for legislative
20 action under section 5.

21 **SEC. 5. CONGRESSIONAL CONSIDERATION OF COMMISSION**
22 **REPORT.**

23 (a) DEFINITIONS.—For purposes of this section—

24 (1) the term “implementation bill” means only
25 a bill which is introduced as provided under sub-

1 section (b), and contains the proposed legislation
2 contained in the final report submitted to the Con-
3 gress under section 4(c) (2) or (4) without modifica-
4 tion; and

5 (2) the term “session day” means a day that
6 both the Senate and the House of Representatives
7 are in session.

8 (b) INTRODUCTION AND REFERRAL.—(1) On the
9 first session day on or immediately following the date on
10 which a final report is submitted to the Congress under
11 section 4(c) (2) or (4), an implementation bill shall be in-
12 troduced—

13 (A) in the Senate by the Majority Leader of the
14 Senate, for himself, the Minority Leader of the Sen-
15 ate, or by Members of the Senate designated by the
16 Majority Leader and Minority Leader of the Senate;
17 and

18 (B) in the House of Representatives by the Ma-
19 jority Leader of the House of Representatives, for
20 himself and the Minority Leader of the House of
21 Representatives, or by Members of the House of
22 Representatives designated by the Majority Leader
23 and Minority Leader of the House of Representa-
24 tives.

1 (2) The implementation bill introduced in the Senate
2 shall be referred concurrently to the Committee on Gov-
3 ernmental Affairs of the Senate, and other committees
4 with jurisdiction. The implementation bill introduced in
5 the House of Representatives shall be referred concur-
6 rently to the Committee on Government Operations of the
7 House of Representatives, and other committees with ju-
8 risdiction.

9 (c) DISCHARGE.—If the committee to which an im-
10 plementation bill is referred has not reported such bill by
11 the end of the 15 session day period beginning on the date
12 of introduction of such bill, such committee shall be, at
13 the end of such period, discharged from further consider-
14 ation of such bill, and such bill shall be placed on the ap-
15 propriate calendar of the House involved.

16 (d) CONSIDERATION.—(1) On or after the fifth ses-
17 sion day after the date on which the committee to which
18 such a bill is referred has reported, or has been discharged
19 (under subsection (c)) from further consideration of, such
20 a bill, it is in order (even though a previous motion to
21 the same effect has been disagreed to) for any Member
22 of the respective House to move to proceed to the consider-
23 ation of the implementation bill (but only on the day after
24 the calendar day on which such Member announces to the
25 House concerned the Member's intention to do so). All

1 points of order against the implementation bill (and
2 against consideration of the implementation bill) are
3 waived. The motion is highly privileged in the House of
4 Representatives and is privileged in the Senate and is not
5 debatable. The motion is not subject to amendment, or
6 to a motion to postpone, or to a motion to proceed to the
7 consideration of other business. A motion to reconsider the
8 vote by which the motion is agreed to or disagreed to shall
9 not be in order. If a motion to proceed to the consideration
10 of the implementation bill is agreed to, the respective
11 House shall immediately proceed to consideration of the
12 implementation bill without intervening motion, order, or
13 other business, and the implementation bill shall remain
14 the unfinished business of the respective House until dis-
15 posed of.

16 (2) Debate on the implementation bill, and on all de-
17 batable motions and appeals in connection therewith, shall
18 be limited to not more than 10 hours, which shall be di-
19 vided equally between the Majority Leader and the Minor-
20 ity Leader or their designees. An amendment to the imple-
21 mentation bill is not in order. A motion further to limit
22 debate is in order and not debatable. A motion to post-
23 pone, or a motion to proceed to the consideration of other
24 business, or a motion to recommit the implementation bill
25 is not in order. A motion to reconsider the vote by which

1 the implementation bill is agreed to or disagreed to is not
2 in order.

3 (3) Immediately following the conclusion of the de-
4 bate on an implementation bill and a single quorum call
5 at the conclusion of the debate if requested in accordance
6 with the rules of the appropriate House, the vote on final
7 passage of the implementation bill shall occur.

8 (4) Appeals from the decisions of the Chair relating
9 to the application of the rules of the Senate or the House
10 of Representatives, as the case may be, to the procedure
11 relating to an implementation bill shall be decided without
12 debate.

13 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
14 fore the passage by one House of an implementation bill
15 of that House described in subsection (a), that House re-
16 ceives from the other House an implementation bill de-
17 scribed in subsection (a), then the following procedures
18 shall apply:

19 (A) The implementation bill of the other House
20 shall not be referred to a committee and may not be
21 considered in the House receiving it except in the
22 case of final passage as provided in subparagraph
23 (B)(ii).

1 (B) With respect to an implementation bill de-
2 scribed in subsection (a) of the House receiving such
3 bill—

4 (i) the procedure in that House shall be
5 the same as if no implementation bill had been
6 received from the other House; but

7 (ii) the vote on final passage shall be on
8 the implementation bill of the other House, ex-
9 cept that if the implementation bill is a bill for
10 the raising of revenue, the vote of final passage
11 shall be upon the implementation bill which
12 originates in the House of Representatives.

13 (2) Upon disposition of the implementation bill re-
14 ceived from the other House, it shall no longer be in order
15 to consider the implementation bill that originated in the
16 receiving House.

17 (f) RULES OF THE SENATE AND HOUSE.—This sec-
18 tion is enacted by Congress—

19 (1) as an exercise of the rulemaking power of
20 the Senate and House of Representatives, respec-
21 tively, and as such it is deemed a part of the rules
22 of each House, respectively, but applicable only with
23 respect to the procedure to be followed in that
24 House in the case of an implementation bill de-
25 scribed in subsection (a), and it supersedes other

1 rules only to the extent that it is inconsistent with
2 such rules; and

3 (2) with full recognition of the constitutional
4 right of either House to change the rules (so far as
5 relating to the procedure of that House) at any time,
6 in the same manner, and to the same extent as in
7 the case of any other rule of that House.

8 **SEC. 6. DISTRIBUTION OF ASSETS.**

9 Any proceeds from the sale of assets of any depart-
10 ment or agency resulting from the enactment of an Act
11 under section 5 shall be—

12 (1) applied to reduce the Federal deficit; and

13 (2) deposited in the Treasury and treated as
14 general receipts.

15 **SEC. 7. ADDITIONAL APPROPRIATIONS BASED ON AGENCY**
16 **SAVINGS.**

17 It is the sense of the Congress that—

18 (1) in the fiscal year immediately following a
19 recommendation submitted under section 4(a)(1)
20 there should be appropriated to each agency an
21 amount no less than 25 percent of the amount of the
22 estimate of administrative savings determined under
23 section 4(a)(2) applicable to such agency in the 3
24 fiscal years following the submission of the rec-
25 ommendation; and

1 (2) the appropriated amount described under
2 paragraph (1) should be—

3 (A) appropriated funds in addition to
4 funds which would otherwise be appropriated to
5 such agency if not for the provisions of this
6 Act; and

7 (B) made available for expenditure at the
8 discretion of the head of such agency to im-
9 prove such agency's management, efficiency, or
10 productivity.

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as necessary to carry out the provisions of this Act.

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